

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28062 OF 2005

DATED:30.12.2005

Between:

Boya Bheemappa

...Petitioner

And

The Revenue Divisional Officer

Dharmavaram, Anantapur District and others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28062 OF 2005

ORDER:

The land admeasuring Acs.2.08 in S.No.133-2 of Polepalli Village was assigned to one R.Abdul Rawoof. The petitioner purchased the same allegedly prior to coming into force of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, and made a representation to second respondent seeking transfer of the patta in his name, which was allegedly done. It appears, on a complaint made by third respondent to the effect that there is a passage in the middle of the land of the petitioner, second respondent issued a notice dt.3.8.2004 requesting the petitioner to appear before him with material evidence. Though it is a notice requiring the petitioner to appear for enquiry, curiously, the petitioner approached the first respondent and filed an appeal on 19.8.2004. The grievance of the petitioner in this Writ Petition is that said

appeal has not been disposed of by first respondent. The petitioner seeks a direction to the first respondent in that regard.

After perusing the necessary material placed before this Court and hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General), this Court is convinced that the Writ Petition is wholly misconceived. First, the petitioner could not have filed appeal against notice of enquiry issued by second respondent. Secondly, the petitioner has not even appeared before second respondent to place his case that there is no passage way in the land which he purchased from Abdul Rawoof. In that view of the matter, I do not find any illegality in first respondent not passing orders in the appeal. Appeal against notice does not lie.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

30.12.2005

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